

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DELANO PETTWAY,

Petitioner,

v.

CASE NO. 06-10701
HON. GEORGE CARAM STEEH

BARRY DAVIS,

Respondent.

_____ /

ORDER DECLINING TO ISSUE A CERTIFICATE OF APPEALABILITY

Petitioner Delano Pettway has appealed the Court's order denying his motion to re-open the time to appeal the order denying Petitioner's motion for relief from judgment. "A certificate of appealability may issue . . . only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). The Supreme Court has construed this statutory provision "to mean that an applicant must show that reasonable jurists could debate that the petition could have been resolved differently or that the claims raised deserve[] further review." Johnson v. Bell, 605 F.3d 333, 339 (6th Cir. 2010) (citing Miller-El v. Cockrell, 537 U.S. 322, 336 (2003)), cert. denied, ___ U.S. ___, 131 S. Ct. 2902 (2011).

Reasonable jurists could not conclude that Petitioner's motion to re-open the time to file an appeal deserves further review. Therefore, a certificate of appealability is

DENIED.

Dated: May 15, 2013

s/George Caram Steeh _____
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on May 15, 2013, by electronic and/or ordinary mail and also to Delano Pettway #339462, Thumb Correctional Facility, 3225 John Conley Drive, Lapeer, MI 48446.

s/Barbara Radke
Deputy Clerk